June 3, 2008

Via Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW, TW – A325
Washington, DC 20554

Re: WT Docket No. 07-195 & 04-356 – Written Ex Parte Presentation

Dear Ms. Dortch:

Attached please find the extraordinarily long timeline for the resolution of the AWS-3 and AWS-2 proceedings and the multiple opportunities that all parties have had to comment on the highest and best use of these bands as well as the technical rules best able to promulgate the Commission's policies and the public interest.

- **January 1992** — "By this Notice, the Commission proposes to establish new areas of the spectrum to be used for emerging telecommunications technologies. These new frequency bands would be designated from 220 MHz of the spectrum between 1.85 and 2.20 GHz."
- **1992** — 2160-2165 MHz band reallocated to fixed/mobile services.
- **2003** — 2165-2180 MHz band reallocated to fixed/mobile services.
- **2003** — Verizon Wireless acknowledges that the unpaired 2155-2175 MHz band "is likely to be used for fixed services *that employ TDD technology*."[1]
- **2003** — the Commission seeks comment on the highest and best use of the **2155-2180 MHz band**.
  - "In the *Third R&O*, we reallocate spectrum in the 2020-2025 MHz and 2165-2180 MHz bands that were formerly allocated for MSS. Although these bands are

[1] *See* Letter from Donald Brittingham, Verizon Wireless, to Marlene Dortch, FCC, IB Docket No. 01-185, ET Docket No. 00-258 (Jan. 6, 2003) (emphasis added).

2000 North 14th Street · Suite 600 · Arlington, VA 22201
OFFICE 703.894.9500 FAX 703.894.9501

reallocated for fixed and mobile services, we have not made a decision on the best use for these bands."[2]

- "We seek comment on potential uses of the 2020-2025 MHz **and 2155-2180 MHz bands**."[3]

- **2004** — the Commission proposes service rules for the 2175-2180 MHz band. In the NPRM, the Commission seeks comment on nationwide licensing and technical rules for the 2175-2180 MHz band.

  - "We seek comment on the relative advantages of nationwide licensing. For example, by licensing the spectrum at issue in this proceeding on a nationwide basis, we might provide the opportunity for a variety of advanced wireless services to be implemented in this spectrum through the entry of a new nationwide competitor. Nationwide licensing might also provide efficiency benefits, such as eliminating the need to negotiate protection agreements with co-channel licensees in adjacent geographic licensing areas. It would likely simplify relocation of incumbents in the bands because there would be no need for cost sharing arrangements between the bands' licensees.69 Further, these bands are subject to unique technical characteristics and adjacency issues that conceivably may be most cost-effectively addressed through a nationwide business plan."[4]
  - "We also seek comment on interference issues specific to each band, and seek comment on the power limits, out-of-band emission restrictions, and other technical or operational requirements that might be needed to protect incumbents in adjacent bands from harmful interference."[5]

- **2005** — T-Mobile explains that "the H and J blocks can be put to valuable use and encourages the Commission to expeditiously move forward to complete the rule making process so that this spectrum can be licensed and utilized in the marketplace."[6]

- **2005** — 2155-2160 MHz was reallocated to fixed/mobile services.

- **April 2006** — the Commission reiterates that it will create service rules for the 2155-2175 MHz band.

- **May 2006** — M2Z submits a license application to the FCC to utilize the 2155-2175 MHz band to provide a free and family friendly nationwide wireless service. The application includes a detailed set of binding and enforceable service rules and public interest obligations.

---

[2] FCC 03-16 (2003) ¶ 62.

[3] FCC 03-16 (2003) ¶ 70.

[4] FCC 04-218 (2004) ¶ 29.

[5] FCC 04-218 (2004) ¶ 1.

[6] T-Mobile Comments, WT Docket 04-356 (Feb. 8, 2005)

- **January 2007** — M2Z 2155-2175 Application placed on Public Notice.

- **August 2007** — the FCC dismisses M2Z's application without prejudice and indicates that it would rather put the spectrum to use through a rulemaking process.

- **September 2007** — the FCC issues an NPRM for the 2155-2175 MHz band which includes a commitment to issue service rules within 9 months of Federal Register publication of the NPRM. Indeed, the NPRM specifically contemplated the combination of these bands, and sought comment on multiple occasions, on any ideas concerning potential Commission action to prevent harmful interference to adjacent bands:

  - "We also seek comment on whether an auction of licenses in a simplified subset of alternative band plans with different technological approaches might be the optimal way to determine which technological approach to implement."[7]
  - "Seek comment on our proposals on the power limits, out-of-band emission restrictions, and other technical or operational requirements that might be needed to prevent harmful interference to operations in adjacent bands."[8]
  - "For example, a licensee could specify the 2020-2025 MHz block of AWS-2 as the mobile-transmit block, and combine the corresponding proposed AWS-2 base-transmit block with all of the AWS-3 blocks to form a larger base-transmit block at 2155-2180 MHz, providing a 5:1 ratio (25 megahertz downlink to five megahertz uplink)."[9]
  - "AWS-3 base, fixed or mobile stations could cause interference to AWS-1 and proposed AWS-2 services, which will operate in the 2110-2155 MHz and 2175-2180 MHz bands, respectively, as well as other existing services that currently operate in the upper part of the 2.1 GHz band – such as Broadband Radio Service (BRS), Fixed Microwave services (FS) and MSS/ATC. In the following paragraphs, we seek comment on possible technical and operational rules to protect these various services from harmful interference."[10]
  - "We therefore seek comment on what OOBE attenuation, beyond our standard 43 + 10log P dB limit, might be required to enable AWS-3 mobiles to protect MSS/ATC mobiles operating in the 2180-2200 MHz band. We also ask whether we should adopt some type of variable out-of-band emission limits based on the particular technologies and system architecture used by AWS-3 licensees to protect such mobiles.[11]

- **December 2007** — MetroPCS calls for the combination of the AWS-3 and AWS-2 bands ("The Commission at present is considering service rules for 40 MHz of spectrum allocated for advanced wireless services: 20 MHz of spectrum in the AWS-3 band, and 20 MHz of spectrum in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and

[7] AWS-3 NPRM, FCC 07-164 ¶ 2.

[8] *Id.* ¶ 5.

[9] *Id.* ¶ 29.

[10] *Id.* ¶ 49.

[11] *Id.* ¶ 57.

2175-2180 MHz bands ("AWS-2"). For a number of reasons, the Commission should consolidate its consideration of service rules, geographic licensing areas, performance requirements, and band plans, for these two bands, promulgate all such rules for both bands concurrently and conduct a single auction of the spectrum in both bands. MetroPCS submits that such consolidation is critical in order to maximize the prospect that the spectrum is assigned in the public interest.")

- **April 2008** — the Wireless Internet Nationwide for Families Act of 2008 is introduced in the House of Representatives seeking the auction of the 2155-2180 MHz band within 180 days.

- **June 2008** — AWS-3/AWS-2 item is slated for a vote at the Commission's Open Meeting.

- **Yet some carriers continue to call for delay** . . .

Pursuant to Section 1.1206(b) of the Commission rules, an electronic copy of this letter is being filed. Please let me know if you have any other questions regarding this submission.

Sincerely,

Uzoma C. Onyeije